

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

28

Amollo

-v-

Citibank, NA et al

U.S.C.A. #

U.S.D.C. #

JUDGE:

DATE:

07-CV-9259

SAS

June 17, 2008

INDEX TO THE RECORD ON APPEAL

JUN 17 2008

PREPARED BY (NAME):

THOMAS R. PISARCZYK

FIRM:

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK

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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

\*\* ONLY CIRCLED DOCUMENTS ARE INCLUDED \*\*

\*\* ALL OTHERS MISSING AT THIS TIME \*\*

☒ Original Record

☐ Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 17th Day of June 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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*Amollo*  
-v-  
*Citibank, NA*  
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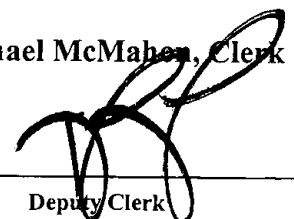
U.S.C.A. # \_\_\_\_\_  
U.S.D.C. # *07-cv-9259*  
JUDGE: *SAS*  
DATE: *June 17, 2008*

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered \_\_\_\_\_ Through \_\_\_\_\_, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	<b>BALANCE OF FILE MISSING AT THIS TIME</b>
_____	_____
_____	_____
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_____	_____

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this *17th* Day of *June* In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**  
By   
Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court  
United States District Court for the Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:07-cv-09259-SAS  
Internal Use Only

Omollo v. Citibank, NA et al  
Assigned to: Judge Shira A. Scheindlin  
Demand: \$5,000,000  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 10/23/2007  
Date Terminated: 05/07/2008  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/16/2007	<u>1</u>	ENDORSEMENT on Declaration in Support of Request to Proceed In Forma Pauperis, I.F.P. REQUEST IS GRANTED. (Signed by Judge Kimba M. Wood on 10/16/2007) (jar) (Entered: 10/24/2007)
10/16/2007	<u>2</u>	COMPLAINT against Citibank, NA, Charles Prince. Document filed by John Ojwang' Omollo.(jar) (Entered: 10/24/2007)
10/16/2007		Magistrate Judge Andrew J. Peck is so designated. (jar) (Entered: 10/24/2007)
10/16/2007		SUMMONS ISSUED as to Citibank, NA, Charles Prince. (jar) (Entered: 10/24/2007)
10/23/2007	<u>3</u>	MOTION to Appoint Counsel. Document filed by John Ojwang' Omollo.(jar) (Entered: 10/24/2007)
11/21/2007	<u>4</u>	ORDER: The plaintiff is directed to have the summons and complaint promptly served on the defendants by filling out and forwarding to the U.S. Marshal the forms provided to plaintiff by the Pro Se office. If service is not made upon the defendants or plaintiff fails to show good cause why such service has not been effected by February 29, 2008, the Court will dismiss the action. (Service due by 2/29/2008.) (Signed by Judge Shira A. Scheindlin on 11/20/07) (tro) (Entered: 11/26/2007)
01/04/2008	<u>5</u>	PRO SE MEMORANDUM dated 1/10/08 re: CHANGE OF ADDRESS for John Ojwang' Omollo. New Address: 145 West Street, Sandton, Johannesburg, 2196, South Africa. (tro) (Entered: 01/15/2008)
01/15/2008	<u>6</u>	MARSHAL'S PROCESS RECEIPT AND RETURN OF SERVICE UNEXECUTED as to Citibank, NA. c/o Vikram Pandit Attempted Service of Summons and Complaint. Service was attempted on 1/9/08. Document filed by John Ojwang' Omollo. (tro) (Entered: 01/17/2008)
02/08/2008	<u>7</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from John Ojwang Omollo dated 2/8/08 re: Plaintiff requests a 60-day extension of the initial 120-day time limit. ENDORSEMENT: Request granted but not further adjournments. Time to make service is extended to and including April 30, 2008. ( Service due by 4/30/2008.) (Signed by Judge Shira A. Scheindlin on 2/8/08) (tro) (Entered: 02/11/2008)
02/13/2008	<u>9</u>	ACKNOWLEDGMENT OF SERVICE. Charles Prince served on 2/1/2008, answer due 2/21/2008. Service was accepted by Eugene V. Clark, In-house counsel. Document filed by John Ojwang' Omollo. (dj) (Entered: 02/26/2008)
02/21/2008	<u>8</u>	ORDER granting 3 Motion to Appoint Counsel. Plaintiff's application for appointment of counsel is granted. Due to the scarcity of volunteer attorneys, a lengthy period of time may pass before this Court's Pro Se Office is able to find counsel for plaintiff. Nevertheless, this litigation will progress at a normal pace. The Clerk of the Court is directed to close this motion [Docket Entry No. 3]. (Signed by Judge Shira A. Scheindlin on 2/21/08) (tro) (Entered: 02/21/2008)
02/25/2008	<u>10</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from John Omollo dated 2/25/08 re: Withdrawal of the complaint against the second defendant Charles Prince. ENDORSEMENT: With plaintiff's consent, defendant Charles Prince is hereby dismissed from the action bearing docket number 07cv9259. The Clerk of the Court is directed to alter the caption accordingly. (Signed by Judge Shira A. Scheindlin on 2/25/08) (cd) (Entered: 02/26/2008)
03/05/2008		PRO SE MEMORANDUM dated 2/26/2008 re: CHANGE OF ADDRESS for John Ojwang' Omollo. New Address: C/O Hephzibah House, 51 West 75th Street, New York, New York, 10023. (jmi) (Entered: 03/05/2008)
03/12/2008	<u>11</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - NOTICE OF APPEARANCE by Rachel Mara Manne on behalf of Citibank, NA (Manne, Rachel) Modified on 3/14/2008 (db). (Entered: 03/12/2008)
03/12/2008	<u>12</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Citicorp Holdings Inc., which is wholly owned by Citigroup Inc. as Corporate Parent. Document filed by Citibank, NA.(Manne, Rachel) Modified on 3/14/2008 (db). (Entered: 03/12/2008)
03/12/2008	<u>13</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MOTION to Dismiss. Document filed by Citibank, NA. Return Date set for 4/9/2008 at 09:00 AM.(Manne, Rachel) Modified on 3/14/2008 (db). (Entered: 03/12/2008)
03/12/2008	<u>14</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - DECLARATION of Gert Johannes Petrus Olivier in Support re: <u>13</u> MOTION to Dismiss. Document filed by Citibank, NA. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Manne, Rachel) Modified on 3/14/2008 (db). (Entered: 03/12/2008)
03/12/2008	<u>15</u>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MEMORANDUM OF LAW in Support re: <u>13</u> MOTION to Dismiss. Document filed by Citibank, NA. (Manne, Rachel) Modified on 3/14/2008 (db). (Entered: 03/12/2008)
03/12/2008	<u>17</u>	MOTION to Dismiss this action pursuant to Federal Rule of Civil Procedure 12(b)(6) on the grounds that the action is barred by applicable statutes of limitations. Document filed by Citibank, NA.(jmi) (Entered: 03/18/2008)
03/12/2008	<u>18</u>	MEMORANDUM OF LAW in Support Defendant's re: <u>17</u> MOTION to Dismiss. Document filed by Citibank, NA. (jmi) (Entered: 03/18/2008)
03/12/2008	<u>19</u>	DECLARATION of Gert Johannes Petrus Olivier. Document filed by Citibank, NA. (jmi) (Entered: 03/18/2008)
03/12/2008	<u>20</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Citicorp Holdings Inc. as Corporate Parent. Document filed by Citibank, NA.(jmi) (Entered: 03/18/2008)

03/14/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Rachel Mara Manne to MANUALLY RE-FILE Document Notice of Appearance, Document No. 11. This case is not ECF. (db) (Entered: 03/14/2008)
03/14/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Rachel Mara Manne to MANUALLY RE-FILE Document Rule 7.1 Corporate Disclosure Statement, Document No. 12. This case is not ECF. (db) (Entered: 03/14/2008)
03/14/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Rachel Mara Manne to MANUALLY RE-FILE Document Motion to Dismiss, Document No. 13. This case is not ECF. (db) (Entered: 03/14/2008)
03/14/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Rachel Mara Manne to MANUALLY RE-FILE Document Declaration in Support of Motion, Document No. 14. This case is not ECF. (db) (Entered: 03/14/2008)
03/14/2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Rachel Mara Manne to MANUALLY RE-FILE Document Memorandum of Law in Support of Motion, Document No. 15. This case is not ECF. (db) (Entered: 03/14/2008)
03/17/2008	21	NOTICE OF APPEARANCE by Kevin Bruce Leblang on behalf of Citibank, NA (jmi) (Entered: 03/18/2008)
03/18/2008	16	TRANSCRIPT of proceedings held on 2/21/2008 before Judge Shira A. Scheindlin. (ama) (Entered: 03/18/2008)
03/20/2008	22	STIPULATION AND ORDER: that plaintiff's time to file opposition papers in response to defendant's motion to dismiss is extended from 3/26/08 to 3/31/08 and that defendants' time to respond to plaintiff's opposition papers is extended from 4/9/08 to 4/15/08. Set Deadlines/Hearing as to 17 MOTION to Dismiss: ( Responses due by 3/31/2008, Replies due by 4/15/2008.) (Signed by Judge Shira A. Scheindlin on 3/20/08) (tro) (Entered: 03/21/2008)
03/31/2008	23	RESPONSE to Motion re: 17 MOTION to Dismiss. Document filed by John Ojwang' Omollo. (jmi) (Entered: 04/04/2008)
04/15/2008	24	REPLY MEMORANDUM OF LAW in further Support re: 17 MOTION to Dismiss.. Document filed by Citibank, NA. (pl) (Entered: 04/16/2008)
05/06/2008	25	MEMORANDUM OPINION AND ORDER #9259, re: 17 MOTION to Dismiss. Defendant's motion to dismiss is granted. While I am sympathetic to plaintiff's plight, the proper forum for this litigation is South Africa, not New York. The Clerk of the Court is directed to close this motion (document no. 17 on the docket sheet) and this case. (Signed by Judge Shira A. Scheindlin on 5/6/2008) (tve) Modified on 5/9/2008 (pl). (Entered: 05/06/2008)
05/06/2008		Transmission to Judgments and Orders Clerk. Transmitted re: 25 Memorandum & Opinion, to the Judgments and Orders Clerk. (tve) (Entered: 05/06/2008)
05/07/2008	26	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated May 6, 2008, defendants motion to dismiss is granted; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 5/7/08) (Attachments: # 1 notice of right to appeal)(ml) (Entered: 05/07/2008)
06/04/2008	27	NOTICE OF APPEAL from 26 Clerk's Judgment. Document filed by John Ojwang' Omollo. Copies mailed to attorney(s) of record: Kramer Levin Naftalis & Frankel, LLP. (tp) (Entered: 06/13/2008)
06/04/2008		Appeal Remark as to 27 Notice of Appeal filed by John Ojwang' Omollo. IFP GRANTED 10/16/07. (tp) (Entered: 06/13/2008)
06/13/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 27 Notice of Appeal. (tp) (Entered: 06/13/2008)
06/13/2008		Transmission of Notice of Appeal to the District Judge re: 27 Notice of Appeal. (tp) (Entered: 06/13/2008)